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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Reiner Augusto Campillo Terrero

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EXAMINER

SCHNEIDER, JOSHUA D

ART UNIT

PAPER NUMBER

2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/754,566	Applicant(s) CAMPILLO TERRERO ET AL.	
	Examiner Joshua D. Schneider	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive.
2. Applicant argues that Fleming does not teach the selection of peripherals, but rather the selection of computers. It is unclear how this argument is supported by any of the teachings of the reference. It is true that the switchbox in Fleming allows multiple computers to access the peripherals, but this teaching is surplusage to the teaching of the selection of a peripheral among the many peripheral devices in the switchbox. However, the teachings of the reference noted by Applicant still meet the broad claim limitations of the instant application. The current claims do not limit the selection function to be a selection of peripherals by a computer, and so the selection of a host computer does in fact meet the limitations of the claims.
3. The claims are directed only to the management of active devices by way of a management port used to select one of a plurality of active devices to be managed. In this case, the active devices are servers that are selected through the user interface to allow connection with the switchbox peripherals. There is nothing in the claims that is differentiated from that which is taught by the applied reference. It is further noted that the word peripheral is never found in the claims, and therefore that any arguments based on the reference not attaching a peripheral are not applicable, as further limitations will not be read into the claims.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not clear from the claim or the specification whether the computer readable medium is tangibly embodied. The specification does not limit the computer readable medium to tangible embodiments, such as computer readable **storage** mediums, and therefore includes non-statutory embodiments, such as transmission mediums.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,073,188 to Fleming.

8. With regards to claim 1, Fleming teaches instructing the concentrator device to select at least of the active device to manage (column 4, lines 43-45), establishing a link between the communication port of the concentrator device and the management port of the concentrator device associated with the at least of selected active device (column 4, lines 43-49, and column 5, lines 1-12), and communicating with the at least of selected active device from the computer (column 5, lines 1-22).

9. With regards to claim 2, Fleming teaches instructing the concentrator device to select at least of the active the active devices to manage comprises manually activating a switch associated with the management port with which the desired active device is connected (column 4, lines 46-67).

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10. With regards to claim 3, Fleming teaches instructing the concentrator device to select at least of the active devices to manage comprises: selecting the desired active device through a user interface on the computer (column 4, lines 46-67); and sending a signal to the concentrator device indicating the selected active device (column 4, lines 52-59).

11. With regards to claim 4, Fleming teaches receiving a signal to operate the concentrator device in simultaneous mode (column 2, lines 22-28); and establishing a simultaneous link between the communications port of the concentrator device and each of the selected management ports of the concentrator device (column 4, lines 46-67, and column 7, line 66, through column 8, line 20).

12. With regards to claim 5, Fleming teaches manually activating a switch associated with the simultaneous mode (manual switching in column 4, lines 46-67, and switching to a simultaneous mode in column 7, line 66, through column 8, line 20).

13. With regards to claim 6, Fleming inherently teaches the plurality of management ports support the same protocol (as non differentiated group members coupled through same devices are interchangeable, column 3, lines 33-62).

14. With regards to claim 7, Fleming teaches the communication port of the concentrator device and the plurality of management ports support different protocols (various types of connections alternately different than ATA, SCSI, and USB connections, column 2, lines 8-22, and column 3, lines 33-62).

15. With regards to claim 15, Fleming teaches sending signals to a concentrator device (column 6, lines 59-67), receive signals from the concentrator device (column 7, lines 35-53), receive an indication of one or more active devices to be managed (column 6, lines 59-63), and

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wherein at least one of the signals sent to the concentrator device indicates one or more active devices to be managed (column 6, lines 59-63).

16. With regards to claim 16, Fleming teaches at least one of the signals received from the concentrator device provided information regarding establishment of a link between a communication port and a manage port of the concentrator device (column 6, lines 59-63).

17. With regards to claim 17, Fleming teaches at least one of the signals received from the concentrator device initiated in one of a plurality of active devices connected to the concentrator device (boot from disk, column 7, lines 35-65).

18. With regards to claim 18, Fleming teaches at least one of the signals sent to the concentrator device is passed to one or more of a plurality of active devices connected to the concentrator device (column 7, lines 35-53).

19. Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 6,286,060 to DiGiorgio et al.

20. With regards to claim 8, DiGiorgio teaches at least one communication port that is configured to be connected to a communication port of a computer (column 3, lines 30-48, column 4, lines 8-22, Fig. 8, element 804); a plurality of management ports that are each configured to be connected to a management port of a respective one of the active devices (column 5, lines 22-53, Fig. 8, element 806A-D); a switch for selectively connecting the at least one communication port to a selected one of the plurality of management ports (column 7, lines 37-51, Fig. 8, element 804 by way of controller); and a microprocessor configured to establish a link between the communication port and at least one selected management port (firmware is executed by the controller, column 12, lines 45-66, Fig. 8, element 804, controller).

21. With regards to claim 9, DiGiorgio teaches the switch control is configured to receive an external signal indicating the selected management port (column 7, lines 36-50).

22. With regards to claim 10, DiGiorgio teaches the switch control is configured to receive an internal signal indicating the selected management port (column 7, lines 36-50), wherein the internal signal is generated based on the activation of one of said plurality of switches (column 7, line 36, through column 8, line 10).

23. With regards to claim 11, DiGiorgio teaches the switch control is configured to establish a simultaneous link between the communication port and two or more of the plurality of management ports (manual switching in column 3, lines 30-48, and simultaneous transfer, column 7, line 36, through column 8, line 10).

24. With regards to claim 12, DiGiorgio teaches the plurality of management ports support the same protocol (port types are interchangeable, column 5, lines 22-53).

25. With regards to claim 13, DiGiorgio teaches the communication port and the plurality of management ports support different protocols (various types of connections, column 5, lines 22-53).

26. With regards to claim 14, DiGiorgio teaches a concentrator device (Fig. 4, element 410), the concentrator device comprising at least one communication port (Fig. 8, element 804, Fig. 9, element 900, host interface), a microprocessor (Figs. 8 and 9, element 804, controller), and a plurality of management ports wherein each of the management ports is configured to be connected to a respective one of the active devices (Fig. 8, element 806A-D); a computer comprising a user interface configured to receive an indication of which of the active devices is selected to be managed (Fig. 8, element 100, 800, 801, or Fig 4, host computing device, column

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7, line 36, through column 8, line 10) ; and send a signal to the communication port of the concentrator device indicating the active device selected to be managed (Fig. 6A-B, steps 601, 602, 606, and 607); wherein the microprocessor is configured to: receive an external signal from the computer indicating the selected active device (column 12, lines 47-54); and establish a link between the communication port and the management port associated with the selected active device (column 12, lines 64-66).

### *Conclusion*

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication 2004/0046983 to Sodhi teaches a system the multiplexes device signals between multiple active devices. U.S. Patent 6,324,605 to Rafferty et al. teaches a computer to peripheral switch that allows multiple computers to select several peripheral devices for use by means of a controller. U.S. Patent 6,549,966 to Dickens et al. teaches a similar computer to peripheral switch that allows multiple computers to select several peripheral devices for use by means of a controller to that of Rafferty.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**

2/16/07